



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING DEPARTMENT HEARING

Promoting the wise use of land

MEETING DATE January 15, 2016	CONTACT/PHONE James Caruso jcaruso@co.slo.ca.us (805) 781-5702	APPLICANT Kevin and Lori Brians	FILE NO. COAL 15-0078 SUB2015-00016
SUBJECT A request by KEVIN AND LORI BRIANS for a Lot Line Adjustment (COAL15-0078) to adjust the lot lines between two parcels of 1.01 acres and 9.95 acres each. The adjustment will result in two parcels of 3.76 acres and 7.20 acres each. The proposed project is within the Agriculture and Rural Lands land use categories and is located at 5411 Seven Oaks Way, approximately ½ mile south of Park Hill Road; approximately 7 miles east of the community of Santa Margarita. The project site is in the Las Pilitas sub area of the North County Planning Area.			
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 15-0078 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 5 Categorical Exemption (ED15-15) was issued on December 3, 2015.			
LAND USE CATEGORY Agriculture & Rural Lands	COMBINING DESIGNATION Not applicable	ASSESSOR PARCEL NUMBER 070-158-004; 005	SUPERVISOR DISTRICT(S) 5
PLANNING AREA STANDARDS: None applicable			
LAND USE ORDINANCE STANDARDS: Section 21.02.030 – Lot Line Adjustments Section 22.02.039 – Subdivision Design, Rural Lands Section 22.22.040 – Subdivision Design, Agriculture Category			
EXISTING USES: Single family residences			
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture/ Scattered residences South: Rural Lands / Scattered residences East: Agriculture / Scattered residences West: Agriculture / Scattered residences			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Agricultural Commissioner			
TOPOGRAPHY: Gently to moderately sloping		VEGETATION: Non-native grasses, oak trees	
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic Fire Protection: Cal Fire		ACCEPTANCE DATE: October 9, 2015	
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

DISCUSSION

Government Code Section 66412(d) – Lot Line Adjustments

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels (*Senate Bill 497*). In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan policies and requirements.

Title 21 / Real Property Division Ordinance

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

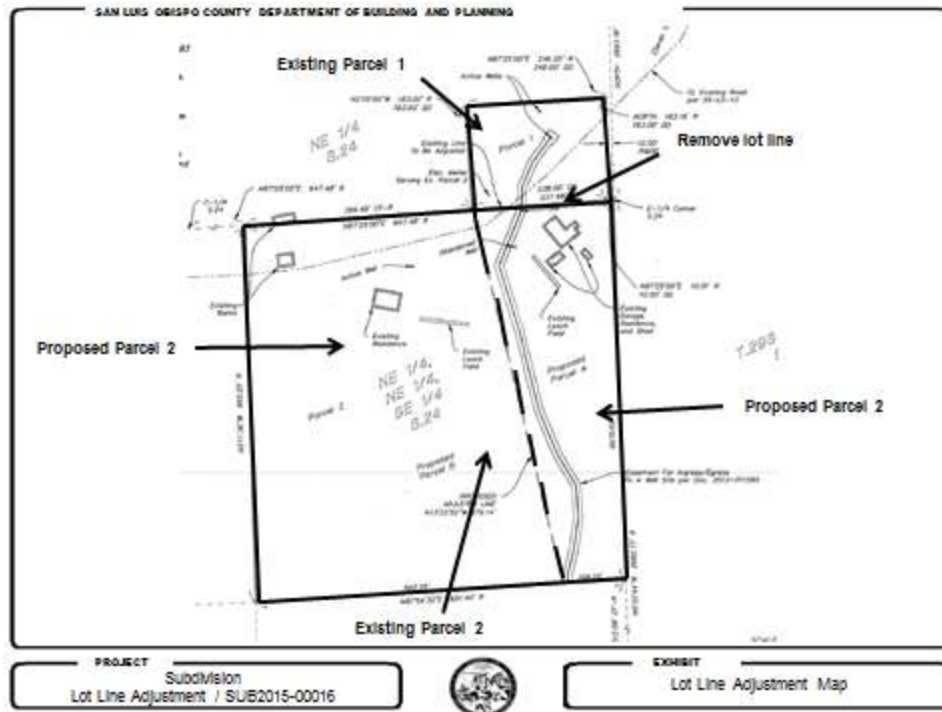
Proposed Adjustment

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
1.01 (Parcel 1)	3.76 (Parcel 1)
9.95 (Parcel 2)	7.20 (Parcel 2)

The two parcels are located in a rural area approximately 7 miles east of the community of Santa Margarita. The smaller parcel (1.01 acres) is located in the Agriculture land use category has two wells and is encumbered by a portion of the Seven Oaks Rd right of way. The larger parcel (9.95 acres) is in the Rural Lands land use category and has two residences, wells and various out buildings. Both lots take direct access from Seven Oaks Way.

The proposed lot line adjustment will increase the size of the 1.01 acre parcel to 3.76 acres and reduce the size of the larger parcel from 9.95 acres to 7.20 acres. No increase in development potential will result from the changes in parcel size. The proposed adjustment will place one residence on each parcel along with accessory uses such as wells and other structures.



The adjustment will result in an Agriculture designation for the northerly 1+ acre of proposed parcel 2 and a Rural Lands designation for the southerly 6+ acres of proposed parcel 2. Proposed parcel 1 is designated Rural Lands.

According to Section 22.22.039 and 040 of the Land Use Ordinance, the minimum parcel size for the Rural Lands land use category is 20 acres to 160 acres while the minimum parcel size for the Agriculture land use category is 20 acres to 320 acres. The proposed adjustment will not have an appreciable effect on minimum parcel sizes as both parcels are below their respective ranges. Both proposed parcels will have adequate area for development.

Planning Department Staff and the Agricultural Commissioner have determined the adjustment will result in new parcel configurations that maintain a position which is equal to or better than the existing situation relative to the county's zoning and building ordinances. The Agricultural Commissioner further states that buffering is not required.

LEGAL LOT STATUS:

The two lots were legally created by deeds a time when that was a legal method of creating lots.

Staff report prepared by James Caruso and reviewed by Terry Wahler.